

# THE NEWS OF NORFOLK ON PAGES TWO, THREE, FIVE AND SIX

## COURT DECISIONS.

Notes of Cases Recently Decided,  
Which are of Interest to  
Our People.

DIGESTED BY W. B. MARTIN.  
(Exclusively for Virginian-Pilot.)

BALK V. HARRIS.

Supreme Court of North Carolina.  
April 18, 1899.

**UNLESS A NON-RESIDENT GARNISHEE HAS PERSONALTY OF THE DEBTOR WITH HIM, OR HIS DEBT IS PAYABLE IN THE STATE WHERE GARNISHEED, THE GARNISHMENT IS A NULLITY.**

The case sufficiently appears from the opinion of the court.

The judgment of another State, condemning the debt due by Harris to Balk, can only be recognized as valid here when that court acquired jurisdiction. It was not founded on personal service, but it is contended that the Maryland court acquired jurisdiction by attaching the debt due Balk by serving notice upon Harris, who was transiently in the city of Baltimore. The situs of the debt for purposes of taxation, and usually for all purposes, is with the creditor. But there are many States whose courts hold that, for the purposes of attachment, the situs of the debt is at the residence of the debtor. The North Carolina is one of the States whose courts have held that, for purposes of an attachment, the situs of a debt is where the debtor resides.

The apparent inconsistency of hardship of such ruling is much lessened by the uniform holding by courts of that line of thought that the attachment of the debt can only be made where the debtor resides, and can have no validity if levied upon him when only passing through, or transiently in, another State. It is thus stated in 8 Am. & Eng. Enc. Law, 1129, 1130: "Choices in action upon which the garnishee is liable are not to be taken, at the will of a third person, within a jurisdiction where neither such debtor nor his creditor resides. As a general rule, therefore, the courts of a State cannot, by their service of process upon an inhabitant of another State transiently within their jurisdiction, charge such person as garnishee. But if, when so served, the garnishee has in his possession, within the State, money or property of the defendant, or has contracted to pay money, or deliver property, within such jurisdiction, he may be charged." This is sustained by uniform decisions (many of which are there stated in the notes). In Bush v. Nance, 61 Miss. 237, it is said that, unless the debt of the non-resident garnishee was payable in the State where garnished, "he was not subject to garnishment in that State, and the writ served on him there was a nullity, and this seems settled law by the authorities. The reason is that the court entertaining a garnishment must have some jurisdiction over the thing garnished, and where the garnishee is a non-resident, has in his hands no property belonging to the principal debtor, and owes him nothing payable within that State, the jurisdiction is defeated. Such is the well-settled law. The defect being jurisdictional, the garnishee cannot waive it, because it is not with him a personal matter, and he has no right to prejudice the defendant.

Inasmuch as an attachment is, in effect, a proceeding by the principal debtor (the defendant in the action), in the name of the plaintiff, against the garnishee, it is thus properly held, even in those courts which hold that the situs of a debt for this purpose is with the debtor (garnishee), that the action must be brought where he "resides" or "has his domicile," since it is there that his creditor must have sued him. One or two cases unguardedly say the action may be brought "wherever the debtor (garnishee) may be found," but the context and the facts in those cases show that they mean where he may be found "transiently" or "domestically," as it is expressly held in all cases where the point is made. As upon the uniform authorities above cited, and others not necessary to cite, the Maryland court acquired no jurisdiction, as against Balk, by service of notice upon his debtor, Harris, who had no tangible property of Balk in his possession, and was not resident in that State, we re-affirm our former decision, but, after the benefit of the able and exhaustive argument upon the rehearing, for an entirely different reason from that given on the first hearing. Petition dismissed.

**GREY ATTY. GEN. & V. CITY OF PATTERSON.**  
Court of Chancery of New Jersey.  
March 6, 1899.

**OWNERS OF LAND ON THE BANKS OF A STREAM ARE ENTITLED TO HAVE THE WATER FLOW TO THEM UNPOLLUTED.**  
**EQUITY WILL ENJOIN A CITY FROM POLLUTING A STREAM BY ITS SEWERAGE, BUT WILL GIVE IT REASONABLE TIME TO PROVIDE OTHER MEANS TO DISPOSE OF IT.**  
**AUTHORITY GIVEN A CITY TO DISCHARGE ITS SEWAGE ACCORDING TO MAPS SHOWING OUTLETS INTO A RIVER, DOES NOT AUTHORIZE IT TO CREATE A NUISANCE BY DISCHARGING SUCH QUANTITIES AS TO POLLUTE THE RIVER.**

This was a suit brought by the Attorney-General of New Jersey upon the relation of 24 riparian owners along the banks of the Passaic River to restrain the city of Patterson from discharging its sewage into the river which flows through the city. The bill alleged that sewage was discharged in such great quantities as to pollute the water and make it unfit for use, and to cause sickness and affect the health and comfort of the residents.

The court says:

Assuming that all the complainant residents, except the Mayor and Aldermen of Jersey City, are owners of portions of banks of the river above the point to which the tide goes, their ownership extends to the middle of the stream. And they are entitled to have the water flow to them unpolluted; that

they may use it for their ordinary domestic purposes, and within reasonable limits for business or other purposes. Their common injury is in the pollution and consequent deprivation of the uses of the water to which they have a right. The Mayor and Aldermen of Jersey City, merely as riparian owner upon a tidal stream, has no right in the waters of the stream, distinct from the rights of the general public thereto. The adjacency of its property to the water merely affords convenience in the enjoyment of the common rights. The water, and the land under it, where the tide ebbs and flows, is the property of the State, subject to the right of navigation. But as grantees of the State to take pure and wholesome water from the river at the location of its pumping plant for the uses of the inhabitants of Jersey City, it suffers special injury from the pollution of the stream. Thus, it appears that the pollution of the Passaic River affects injuriously all the residents and complainants. In depriving them of their respective lawful uses of it.

It is objected, also, that the defendant has the right to empty its sewage into the Passaic River, whatever the consequences may be. This contention rests in part upon the ground that it is a natural and reasonable use of the river, and in part upon the insistence that legislative authority to the city of Patterson to construct sewers contemplated their discharge into the Passaic, and impliedly authorized it. The sewage in question is discharged into a stream above tide, and where the stream is not navigable. It does not naturally flow into the stream. It is vastly more than the natural drainage of riparian owners. I cannot conceive of any tenable ground upon which such drainage can be classed as either a natural or reasonable use of the river.

I am referred by counsel to three statutes for the authority under which the sewers of the city of Patterson have been constructed. But I do not find that either of these laws make reference to the ultimate disposition of the sewage, or to the use of the Passaic for that purpose. Legislative license to create a public nuisance of the kind considered must be given in express terms, or by absolutely necessary implication. That the city of Patterson has any right to pollute the waters of the Passaic river by the discharge of its sewage into them is clearly an untenable proposition. In this situation, it appears to be very plainly my duty to take cognizance of the case, and now restrain the defendant from doing anything that will increase the quantity of its sewage pending final hearing hereon. Further relief should await the final hearing, not only because full and final relief should be withheld until then, to admit of all possible light being thrown upon the subject, but because of the impossibility of immediate provision of other means for the disposition of the sewage. An injunction may issue as indicated.

## CHASED BY A BUG.

**A PENCIL VENDER HAS AN UNPLEASANT EXPERIENCE.**

Chased for ten minutes by a bug from one side of Monument Square to the other until almost exhausted, was the experience of a white man commonly denominated a fakir, selling pencils there. This happened yesterday afternoon, and it was a comical sight, indeed, to see a man being chased by a bug. Some one in the crowd said this "pencil merchant" was in the night at Santiago, and that he fought bravely, never running from a "blooming Spaniard."

This bug was not a "kissing bug," judging from the description given of it, nor was anyone able to tell just what kind of bug it was, but it was a bug, and it caused the pencil man to leave his stand and run, fanning with his hat whenever the bug came within reach in his efforts to kill it. He finally succeeded in bringing the insect down with his hat, and while it lay on the pavement jumped on it with both feet, crying "his life out." He was congratulated on his narrow escape of being either killed or stung, and as he scattered back to his stand, he was heard to murmur a sigh of relief.

## TO B. Y. P. U. CONVENTION.

Tickets will go on sale to-day for the International Convention B. Y. P. U. of America, at Richmond, Va., June 13th to 15th. Some of Norfolk's delegates and visitors will go up to Richmond to-day, but the greater number will go on Wednesday.

Richmond has been preparing for this convention for some time, as it is expected that there will be from 18,000 to 20,000 delegates and visitors combined in attendance. Excursion rates will be on during the convention from Richmond to Norfolk, Old Point and Washington, D. C. There will also be a special rate of one fare for the round trip from Norfolk to Richmond, good until July 31st, with the privilege of an extension until August 15th, by depositing return portions of tickets with joint agent on or before July 25th.

## Going to Europe.

The following well known and popular gentlemen will leave Norfolk on Thursday for New York, from which place they will take the steamer for an extended European tour: Messrs. J. P. Andre Mottu and J. R. Baird, Jr. Messrs. R. Ashton Hubbard and Stuart Johns. The party expects to be in Paris by July 25th. While abroad they will visit many of the prominent cities and expect to return about the first of September.

The business manager, the credit man and the active working partner, all combined in one individual, making a statement regarding any particular article sold by his firm, ought, from his position and general knowledge of things pertaining to his particular business, to be a good judge of values. Just such a person, occupying the three positions named, and connected with one of the largest wholesale drug firms in New England, recently to sell it. We don't want anything new. "G. O. T." is never sold in bulk to any individual or firm on earth at any price. Look for our firm name signature on face and neck of each bottle.

**CHESTER GRAVES & SONS.**  
For sale at White Bros., Norfolk, Va.  
Brown's Hotel, Portsmouth, Va.

## BRIEF ITEMS OF INTEREST.

Mr. Percy Alley, who has been confined to his bed with typhoid fever for past two weeks, is slightly better.

There was no service at St. Mary's Catholic Church Sunday evening, owing to the departure of Revs. Fathers Doherty and Frioli for Georgetown, D. C.

Mr. Arthur H. Page, formerly of Norfolk, but now of New Orleans, who has recently returned from a visit to London, arrived in the city yesterday morning, but left for the South last night.

Professor B. Marx, who has been connected with a business college in this city for the past three years, will leave during the present month for Western North Carolina, to engage in educational work there.

Rev. C. B. Bryan, of Hampton, and Rev. Charles S. Mayo, formerly of Newport News, and Hampton, but now of Hyattsville, Md., were visitors at the Episcopal ministers' meeting in this city yesterday.

Rev. J. W. Nicholson, of the South Princess Anne M. E. Circuit, was in the city yesterday.

Miss M. L. Boush, of Edenton, N. C., who has been visiting Mr. A. J. Boush, on Brewer street, returned home yesterday.

Mrs. L. S. Blinco, daughter of Rev. Dr. G. Brown, left Sunday night for Ashland, Va., to attend the bedside of her father, who is in extremis.

Bishop John C. Granberry, who is to preside over the Norfolk District Conference at Lambert's Point to-morrow, will arrive in the city to-day, and will be the guest of Rev. George H. Spenser, pastor of the Lambert's Point M. E. Church.

Mr. W. M. Perkins, wife and their little daughter, Aggie, of Richmond, are the guests of Rev. S. C. Hatcher and wife, No. 107 Wood street.

Miss Annie Balentine Lester will leave to-morrow morning for Gloucester county to spend the summer with relatives and friends.

Mrs. George T. Parker will leave to-morrow evening for Baltimore, accompanied by Mrs. Henry T. Hurt and her daughter, Myrtle.

The enlistment of recruits for the Twenty-seventh regiment, U. S. Volunteers, for service in the Philippines, began at the recruiting station here yesterday.

The Tabb Presbyterian Church, of Petersburg, Va., has granted the pastor, Rev. J. W. Hester, a vacation. Dr. Rosebro is well and favorably known in this city, having conducted revival services at the First Church last spring.

Two colored excursions left this city yesterday, one going to Richmond and the other to Delaware Park.

The steamer Mohawk left New York yesterday morning on her first trip to Norfolk, to go on a river route, and is expected to arrive about noon to-day.

Master David Herschler, son of Mr. Louis Herschler, of the firm of Hecht, Hirschler & Co., residing on Holt street, was confirmed at Old Sholem Temple yesterday morning, and celebrated the day receiving the congratulations of his friends.

Miss Hodges, of 137 Charlotte street, left yesterday afternoon for Cold Spring Springs, Virginia, where she will spend the summer. She will be accompanied by Miss Colls, of 166 Mariner street.

Mrs. W. P. Schultz and little son, Ray, of this city, are visiting her parents, Mr. and Mrs. E. S. Carper, at Elm Castle, Botetourt county.

Miss Grace Bassett, of Norfolk, is among the late arrivals at Blue Ridge Springs.

Mrs. Sheldon and son, of Norfolk, are at the Craig Healing Springs.

Mrs. F. F. Rogers and family, of Norfolk, are at the Internment, Covington, for the summer.

Mr. William Melville Craig, who is connected with the Richmond Leader, spent Sunday and yesterday with friends in this city and section.

Edith and Mrs. James B. Funston are guests of Mesdames Myrick and Kilby at sea-view cottages, Virginia Beach, where they will spend the last few days before Mr. Funston's consecration on the 13th instant. He expects to go immediately after to his new mission in Idaho.

Judge and Mrs. S. W. Johnston, of Washington, are guests of seaside cottages.

Mr. R. B. Cook and family will leave on the 13th instant for Sweet Chalybeate Springs, Va. They will be accompanied by a number of Norfolk people, making a party of ten in all.

Mr. J. Peares Williams has begun extensive improvements to his large tract of land known as Williamston, situated on Granby street extended, just over the Granby street bridge. He is grading streets, placing curbing, &c. There are one thousand residence lots in this tract.

Miss N. Patterson Dyer and W. Porter Johnston, Associated Press operator and city editor respectively of the Newport News Press, spent Sunday in Norfolk.

William Johnson, the colored man who lost a leg at Pinner's Point in being run over by a Southern Railway engine, has left St. Vincent's Hospital, whither he was brought for treatment. General Edgar Allen, United States District Attorney, of Richmond, reached the Monticello Hotel last night.

Mr. Andrew J. Dalton and family are spending the summer at their cottage at Willoughby Spit, to which they removed Friday last.

Messrs. H. Morris and Louis Nussbaum left yesterday for Virginia Beach to spend a week or two at the Atlantic Hotel.

Mrs. J. W. Oast and son are spending a week or two at the Hygeia.

**YOSEMITE AT SINGAPORE:**  
**AUXILIARY CRUISER WELL ON HER WAY TO GUAM.**

A dispatch from Singapore announces that the United States auxiliary cruiser Yosemite, from Hampton Roads May 10th, has arrived there on her long voyage to Guam, in the Ladrones Islands.

It will be remembered that the Yosemite sailed for the far-off newly possessed island from Norfolk, with Captain R. L. Leary, U. S. N., on board. Captain Leary was selected as the Governor of the island, and the auxiliary cruiser was assigned to the duty of conveying him to his new post of duty. He was well known in this part of the world and his safe arrival at Singapore will be learned with interest by his friends in this city.

In this same connection it will be interesting to note that the Yosemite, which was built at Newport News for the Morgan Line and sold to the government at the outbreak of the Spanish-American war, made the trip to Singapore in remarkably short time. She left Colombo, Ceylon, on July 1st, and Singapore, reaching there in just one week from the date of her sailing.

## PUBLIC SCHOOL FURNITURE.

**CONTRACTS AWARDED THROUGH VICKERY & CO.**

The Public School Building Commissioners, consisting of Hon. John B. Whitehead, chairman; Hon. C. Brooks Johnston, mayor, and Mr. W. T. Brooke, city engineer, met yesterday in the City Circuit Court room and opened and examined bids for 1,000 single adjustable school desks and seats for the new school buildings now in course of construction, the same to consist of 400 small, 200 medium and 200 small sized. Following is a summary of the bids: Vickery & Co., representing Grand Rapids Desk Company—Size No. 1, \$2.75; size No. 2, \$2.55; size No. 3, \$2.55. For ball-bearing automatic desks: Nos. 1 and 2, \$2; Nos. 3 and 4, \$1.90; Nos. 5 and 6, \$1.80. Rear desks, \$1 each.

J. V. Alfriend & Co., representing Paragon single desks—Nos. 1 and 2, \$2.55; Nos. 3 and 4, \$2.55; Nos. 5 and 6, \$2.75. Rear seats, all sizes, \$2.65. For adjustable desks, 75 cents to be added.

W. L. Bilsely & Bro., agent for Victor adjustable single desks—No. 1, \$3.55; No. 2, \$3.55; No. 3, \$3.75. Non-adjustable: Single Nos. 2 and 2½, \$3.20; Nos. 3, 4 and ½, \$3.10; Nos. 5 and 6, \$3; rears, \$2.90.

H. Wertheimer, for Columbia Automatic School Company—Small size, \$2.45; medium, \$2.55; large, \$2.65.

Baker & Chase, agents for the Oxford Desk—Small size, \$3 each; medium size, \$3.10; large size, \$3.20; rear seats, \$2.90.

John Willis, Jr., representing Favorite Desk Company, of Cleveland, O.—No. 1, single, \$2.65; No. 2, single, \$1.90; No. 5, single, \$1.75; rears, \$1.

Everett, Waddy & Co., representing the Andrews Desk—One thousand non-adjustable for \$1,500; 1,000 adjustable for \$2,400.

Heywood Bros., of Baltimore—No. 1, \$3.25; No. 2, \$3.45; No. 3, \$3.65; No. 4, \$4.45.

The commission, after a comparison of the proposals, unanimously recommended that the contract be awarded the Grand Rapids School Furniture Company, through Vickery & Co., for average price adjustable seats at \$2.50 each.

The desks and chairs accepted are very fine oak and ash combination, adjustable, with ball-bearing seat, either or both adjustable to the height of the pupil, thus avoiding crowding of knees or non-hygienic position of body. They are furnished by the Grand Rapids School Furniture Company, of which Mr. J. E. Reilly is the special representative present on this occasion. The price comprehends desk and seat put in position in the school building and all complete by September 1st under penalty of \$25 per day for each day thereafter.

Norfolk has already 100 of these desks in use in the schools, with good results.

Mr. Reilly has just contracted for 1,200 seats for the Newport News opera house, and has placed many other orders.

ders in this vicinity. The Second District School in Portsmouth is using the same seat as is now secured for the Norfolk schools.

## DEATHS AND FUNERALS.

### FUNERAL OF S. E. WISE.

Mr. Smith E. Wise, an aged citizen, was found dead in his bed early Sunday morning (soon after midnight), in his room, at 371 Main street. A physician was sent for and the coroner notified. The physician found life extinct, and the coroner decided that no inquest was necessary. Mr. Wise being 84 years of age and in feeble health. His relatives were at once notified and the body taken charge of by them.

The funeral of Mr. Wise took place from the residence of his son-in-law, Mr. Charles B. Oldfield, at No. 215 Clay avenue, Monday afternoon, at 3 o'clock, conducted by Rev. J. J. Hall, D. D., of Park Avenue Baptist Church. The interment was in Elmwood cemetery. The following were pall-bearers: Messrs. C. W. Kellinger, Leroy Savage, C. R. Davis, A. C. Griswold, J. C. Ashburn, W. J. Simpson, A. W. Grandy and E. H. Oldendahl.

Mr. Wise was the father of Mr. F. T. Wise and Mrs. Charles B. Oldfield, who have the sympathy of friends in their bereavement.

### DOROTHY SHIELDS.

Dorothy, the 8-year old daughter of the late Mr. Le Roy H. and Mrs. Orta L. Shields, departed this life in Washington, D. C., Sunday. The remains will arrive on the Washington steamer this morning and the interment will be private in Elmwood cemetery.

### WILLIAM DONOVAN.

The many friends of Mr. William Donovan in Norfolk will learn with sorrow of his demise, which sad event occurred at his home, No. 560 East Main street, at 10:40 a. m. yesterday. Mr. Donovan had been in failing health for some months, and his death, though not altogether unexpected, is a great bereavement to his family and other kindred. He was in the 54th year of his age, and was one of our best known and most highly respected citizens, and for a number of years a most successful business man. He was a consistent member of St. Mary's Catholic Church, from which his funeral will be held at 9 o'clock to-morrow morning.

### Located in Norfolk.

The Bluefield Telegram, in its last issue, contains the following local brevity: "J. H. Ninkner, formerly of this city, is now located in Norfolk, Va., room 223 Citizens' Bank building. Mr. Ninkner is a deserving young lawyer and we wish him success in his new field."

**OTHER LOCAL ON PAGE 6**

*The Saks Stores*  
231 MAIN STREET.

## Important!

This morning we begin the Crash Suit Sale. Every one we've got in stock goes in—and they're mostly \$5, \$6.50, and \$7.50 Suits. Choice

**\$2.50**

Into the \$11.50 sale of Wool Suits we've put some Blue Serges that have been \$15. Up to and including \$20 are the values here.

\$8.75 for choice of patterned Suits up to \$15.00.

## SAKS & COMPANY Refrigerators

I HAVE A FEW OF THE CHALLENGER HARDWOOD REFRIGERATORS, WHICH I AM OFFERING AT LOW PRICES TO CLOSE THEM OUT. IF IN NEED SEE THEM. STILL I HAVE A STOCK OF THE BEST ICE CREAM FREEZERS MADE.

P. J. MALBON,

109 Commercial Place.

Both Phone No. 401.



**STENCIL GUTTERS,**  
Rubber and Steel Stamps,  
Railroad, Hotel, Baggage  
and Brass Checks, Seals,  
Badges, Stencil and Stamp  
Inks, Pads, Dates, etc.  
**PHOENIX**  
Stamp and Stencil Works,  
Job Printers,  
Cor. Nivison and Church Sts.

## CROWDED TO THE DOORS

Is the story of the first day of

## Our Great July Clearing Sale

Owing to the vast crowds that thronged our aisles and in order to get everything on display

**STORE WILL NOT OPEN UNTIL 9 o'clock THIS MORNING**

Costs and former selling prices have been ignored. There shall be no let-up; no swerving from the course we have mapped out. Line after line of almost incredible price cutting will effect a clean sweep.

A Mecca for bargain seekers—A golden opportunity for buyers.

**MILLER, RHOADS & CO.**

**STORE CLOSING FRIDAY AT 1 P. M.**

## BLOOD TELLS.

Yes, it is the index to health. If you have bad blood you are likely to learn that you have Rheumatism, one of the most horrible diseases to which mankind is heir. If this disease has just begun its work, or if you have been afflicted for years, you should at once take the wonderful new cure,

## RHEUMACIDE

Thousands have been cured. The summer season is the best time to take a rheumatic remedy. Nature will then aid the medicine in effecting a permanent, constitutional cure. People with bad blood are subject to catarrh, indigestion, and many other diseases. To be healthy the blood must be pure. **RHEUMACIDE** is the Prince of Blood purifiers.

Sold in Norfolk by McLennahan & Powell, in Portsmouth by W. W. Hodges & Co., and druggists generally.

**PRICE \$1.**

## J. H. COFER

—SHIPPER OF—

**Hay and Grain,**  
610 Citizens' Bank Building.  
Quick shipment and satisfaction guaranteed.

**IRWINS EXPRESS CO**

218 Water St., Phone 6, Either Phone

We haul anything to and from anywhere in the three cities. Special facilities for hauling Safes, Boilers, Furniture and Pianos. Lots filled and filling wanted.

## About the Reduced Parasols

Be quick if you want to get a "quite-beautiful" parasol at a "quite-low" price.

The season's most fascinating and beautiful parasols—cut to the quick!

These—

\$5.00 Parasols for \$3.95.  
\$10.00 Parasols for \$7.49.  
\$5.50 Parasols for \$4.95.  
\$3.50 Parasols for \$2.95.  
\$2.95 Parasols for \$2.50.  
\$3.00 Parasols for \$2.60.

Come down early this morning.

A pretty line of pretty Children's Parasols at little prices are ready for you, too.

1,500 yards of sheer, fine figured White Goods worth 12½c. per yard, will be sold at 5c. per yard on FRIDAY, July 14th. See east window.

**S. DOZIER,**

206 Main St., Norfolk, Va.

—THE—  
**Lowenberg Specialty STORE**

**SPECIAL SALE**

**LADIES'**

**TAILOR**

**MADE**

**SUITS**

**TO-DAY.**

**BENJ. LOWENBERG,**

34 Granby Street.

Old Phone 880